FEDERAL GOVERNMENT

1 - Mr. Adams
1 - Mr. Fehl
1 - Mr. Peelman
1 - Mr. Lawn
June 6 1977

1 - Mr. Aldhizer
1 - Mr. Ryan
1 - Mr. Leavitt
1 - Mr. Daly

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Keuch

Director, FBI

HOUSE SELECT COMMITTEE
ON ASSASSINATIONS (HSCA)

245882
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/13/75 BY SP1 MACIMIX

On May 4, 1977, Mr. Robert L. Keuch, Special Counsel to the Attorney General, made available to the FBI the Department of Justice file (two volumes) on [redacted]

HSCA [redacted] Mr. Keuch advised that the HSCA has requested access to these documents and, prior to any decision concerning access, Mr. Keuch requested these documents be reviewed by the FBI for classification purposes.

This letter is to confirm a meeting between Mr. Keuch and representatives of the FBI on May 31, 1977, during which the above documents were returned and the following observations noted:

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As requested, the FBI documents in this file were reviewed for classification purposes. This review disclosed that only three classified documents appeared in the file. These are listed below and the following observations pertaining to these documents were brought to Mr. Keuch's attention on May 31, 1977:

(1) In Section One, the FBI report of Special Agent (SA) [redacted], dated May 10, 1961, in New York, has been declassified and the Department has been advised.

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JTA:sas (12)

MAILED 14
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FBI

HAND DELIVERED to MR. KEUCH 6/9/77 OFFICE. JTA

SEE NOTE PAGE 4

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(2) In Section One, FBI letter to the Office of Security, Department of State, dated May 15, 1961, (Confidential) and in Section Two, report of SA [redacted] dated July 28, 1961, at Washington, D. C., (Secret) cannot be declassified because they contain classified information of the Department of State and Central Intelligence Agency (CIA), respectively. It was suggested to Mr. Keuch that the Department contact directly these agencies to determine if information in these documents warrants continued classification. Except for the State and CIA information, all other data is unclassified in these two communications.

b7E

POTTINGER REPORT

This report enclosed a memorandum by Robert A. Murphy, Chief, Criminal Section, Civil Rights Division. Both of these documents, classified "Secret," contain results of the Civil Rights Division's review of our King investigation. At the time of delivery, Mr. Keuch marked in red pencil portions of this report which he felt should be excised prior to release to the HSCA.

Following classification review, it is recommended that the Pottinger report and its enclosed memorandum by Murphy be classified "Top Secret." The Pottinger report and its enclosure were returned to Mr. Keuch on May 31, 1977, and sections of the report warranting "Top Secret" classification were pointed out.

With regard to excisions prior to release to the HSCA, Mr. Keuch was advised that his recommended excisions are satisfactory to protect the primary Bureau sources reporting on King. Mr. Keuch was advised that additional excisions are believed necessary prior to release to the HSCA and that certain inaccuracies were present in the report of Murphy.

Mr. Keuch requested that these additional suggested excisions and inaccuracies be set forth by the Bureau in writing. In response to this request, suggested additional excisions and inaccuracies are as follows:

(1) In a number of places in the report and its enclosure, additional excisions are necessary to protect third agencies of the U. S. Government and foreign intelligence agencies. Such

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excisions will be consistent with the FBI's preparation of material for HSCA access, and for access to other congressional committees.

(2) Page 5, Paragraph 2, Murphy memorandum - states that the King investigation was continuously handled by SA [redacted] Actually, [redacted] supervision of the case ended [redacted] b7C

(3) Page 34, Paragraph 1, Murphy memorandum - contains information regarding [redacted] which should be excised as a sensitive investigative technique. b7E

(4) Page 44, Paragraph 2, Murphy memorandum - states that former Assistant Director William C. Sullivan took the tapes and stationery and later gave [redacted] a package to deliver to SA [redacted] [redacted] has no knowledge regarding to whom this package was to be delivered. In addition, he was unaware of the package contents or the purpose of its delivery. b7C

(5) Page 46, Paragraph 1, Murphy memorandum - incorrectly states that SA [redacted] was the originator of the Lorraine Hotel "COINTELPRO activity." b7C

(6) Page 49, Paragraph 2, Murphy memorandum - contains information which should be excised in order to protect an individual who requested his identity be protected.

Mr. Keuch stated on May 31, 1977, that he will advise FBIHQ prior to the release of this material to HSCA, if in fact the Department determines to release this material to the Committee as the Committee has requested.

1 - Mr. Michael E. Shaheen, Jr.
Counsel, Office of Professional Responsibility
Department of Justice

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Keuch

NOTE: Documents provided by the Department were reviewed for classification purposes by SA W. N. Preusse, Projects Unit, Records Management Division.

By memorandum J. S. Peelman to Mr. Fehl dated 5/5/77, receipt of these documents from the Department was recorded. The Ramirez file consisted of two volumes but only three FBI documents were classified. Mr. Keuch agreed to contact State and CIA concerning classification of information in two of these documents. Ramirez hijacked an airplane to Cuba in 1961 and was convicted for Air Piracy 3/4/76.

Although the Department requested review of the Pottinger report only for classification purposes, it is essential that we record our concern that this document should not be released to the HSCA without prior consultation regarding its inaccuracies and need for additional excisions. It is particularly important to call to the attention of the Department errors in the report which relate to FBI personnel. No copy of the Pottinger report is being retained in Bureau files.

The Civil Rights Division's review of our King investigation was ordered by the Attorney General in November, 1975. This review was continued by the Office of Professional Responsibility of the Department and terminated in January, 1977.

FBI representatives meeting with Mr. Keuch on May 31, 1977, were J. C. Lawn and J. T. Aldhizer of the Congressional Inquiry Unit.